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DOCKET 84002F-P
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kenneth A. Parulski, et al

SYSTEM, METHOD AND SOFTWARE
PRODUCT FOR ORDERING
MERCHANDISE OVER A
COMMUNICATION NETWORK FROM A
PLURALITY OF DIFFERENT
MERCHANDISE PROVIDERS
HAVING VARIOUS BUSINESS
RELATIONSHIPS

Serial No. 10/051,342

Filed 18 January 2002

Group Art Unit: 3676

Examiner: Christopher J. Boswell

Express Mail Label No.

EV534334236US

Date: September 22, 2004

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)

Applicants petition for the revival of the above-identified application. This application became unintentionally abandoned on August 2, 2004.

Applicants prepared and facsimile transmitted to the USPTO on March 16, 2004 a 116 Amendment response to the Final Office Action dated February 2, 2004. Applicants' 116 amendment was filed within 2 months of the Final Rejection. No response from the USPTO was received on the submitted amendment. Applicants were later informed by the Examiner that the response was not received in the USPTO. Applicants herewith attach a copy of the response that was facsimile transmitted on March 16, 2004 along with Applicants facsimile transmission verification report also dated March 16, 2004.

This petition is filed to revive the abandoned application and is

filed:

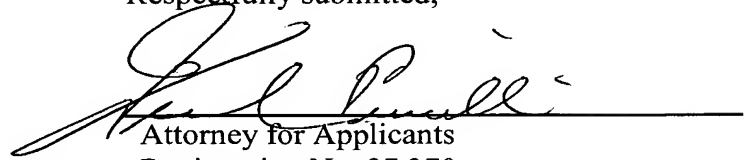
☒ within one year of the date of the abandonment.

☐ within 3 months of the date of the first decision
on a petition to revive under Rule 316(b), if any, filed within one year of
the date of abandonment.

Please charge the issue fee for this application, as well as the surcharge
under Rule 17 (m), to Eastman Kodak Company Deposit Account No. 05-0225.

A duplicate copy of this petition is enclosed.

Respectfully submitted,


Attorney for Applicants
Registration No. 27,370

Frank Pincelli/phw
Telephone: 585-588-2728
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the
Examiner is requested to communicate with Eastman Kodak Company Patent Operations at
(585) 477-4656.

TRANSMISSION VERIFICATION REPORT

TIME : 03/16/2004 10:55
NAME : B83 PATENT 14FLR
FAX : 585-477-4646
TEL :

DATE, TIME
FAX NO./NAME
DURATION
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03/16 10:50
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EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER, NEW YORK 14650-2201

DATE: 16 March 2004

TO: EXAMINER: Christopher Boswell FAX NO. 703-872-9326
GROUP 3676
U.S. PATENT OFFICE

FROM: Frank Pincelli FAX NO. (585) 477-4646
PHONE NO. 585-588-2728

RE: U.S. Serial No. 10/051,342
Filed 1/18/02
Inventor(s): Kenneth A. Parulski, et al
Docket No.: 84002

Attached is Applicant's response to the office action dated 2/2/04

**Response under 37 C.F.R. 1.116
- Expedited Examining Procedure -
Examining Group 3676**

**MAIL STOP AF
84002F-P**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Group Art Unit: 3676

Examiner: Christopher J. Boswell

I hereby certify that this correspondence was sent
by facsimile transmission to the United States
Patent and Trademark Office on the date set forth
below.

Paula West
Paula West

3-16-04
Date

Response Under 37 CFR 1.116

In response to the Office Action dated February 2, 2004, Applicant respectfully requests reconsideration in view of the following amendments and remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (currently amended) A method for ordering of merchandise over a communication network among a plurality of merchandise providers from a plurality of order terminals, each of said order terminals being associated with a one of a plurality of business entities and having a pre-established business relationship with at least one of said plurality of merchandise providers, comprising:

maintaining information with respect to business relationships between said merchandise providers and said plurality of business entities;

providing an offering at one or more of said plurality of order terminals based on said pre-established business relationships associated with said one or more of said order terminals.

2. (original) The method according to claim 1 wherein the offering provides a subset of merchandise providers from said plurality of merchandise providers.

3. (original) The method according to claim 2 wherein said subset comprises two or more merchandise providers.

4. (original) The method according to claim 1 wherein said offering is displayed in a presentation format that is also based on said business relationship.

5. (original) The method according to claim 1 wherein said order terminal comprises one of the following:

an automated teller machine

a catalog kiosk

a personal computer

a wireless device.

6. (original) The method according to claim 1 wherein said plurality of business entities comprises one or more of the following:

- a retail store
- a manufacturer of a wireless device
- an automatic teller machine owner.

7. (original) The method according to claim 1 wherein at least one of said order terminals is located in a retail catalog store.

8. (original) The method according to claim 1 wherein said business relationships include friendly, neutral, and hostile relationships.

9. (original) The method according to claim 1 wherein said business relationships are maintained in a directory by a service manager.

10. (currently amended) A system for facilitating ordering of merchandise over a communication network by a user among a plurality of merchandise providers from a plurality of order terminals, each of said order terminals being associated with a one of a plurality of business entities and having a pre-established business relationship with at least one of said plurality of merchandise providers, comprising:

a control system for maintaining information with respect to business relationships between said merchandise providers and said plurality of business entities, said control system having a communication device for communicating with said plurality of order terminals over said communication network, said order terminal being used by said user displaying an offering based on said pre-established business relationships associated with said order terminal.

11. (original) The system according to claim 10 wherein the offering provides a subset of merchandise providers from said plurality of merchandise providers.

12. (original) The system according to claim 11 wherein said subset comprises two or more merchandise providers.

13 ~~14~~. (currently amended) The system according to claim 10 wherein said offering is displayed in a presentation format that is also based on said business relationship.

14 ~~15~~. (currently amended) The system according to claim 10 wherein said order terminal being used by said user comprises one of the following:

- an automated teller machine
- a catalog kiosk
- a personal computer
- a wireless device.

15 ~~16~~. (currently amended) The system according to claim 10 wherein said plurality of business entities comprises one or more of the following:

- a retail store
- a manufacturer of a wireless device
- an automatic teller machine owner.

16 ~~17~~. (currently amended) The system according to claim 10 wherein at least one of said order terminals is located in a retail catalog store.

17 ~~18~~. (currently amended) The system according to claim 10 wherein said business relationships include friendly, neutral, and hostile relationships.

18 ~~19~~. (currently amended) The system according to claim 10 wherein said business relationships are maintained in a directory by a service manager.

19 ~~20~~. (currently amended) A computer storage product storing a computer program having instructions for implementing the method of claim 1.

REMARKS

Applicant would first like to thank the Examiner for the telephone interview granted to Applicant's attorney on March 15, 2004 when the subject application was discussed with respect to the primary cited reference to Arnold (US 6,460,072). During this interview Applicant discussed the distinctions between the present invention and the providing of the amendments made to the claims herein. In this regard the claims have been amended to more clearly set forth that the business relationship between the order terminals and the merchant provider is a pre-established business relationship and does not occur as a result of a customer accessing a merchandise provider as in Arnold et al.

The Examiner, in the official action, rejected claims 1-5, 8-12, 14-15 and 18-20 under 35 USC § 102(b) as being anticipated by Arnold et al. The present application includes two independent claims, 1 and 10, upon which the remaining claims depend at least ultimately. It is respectfully submitted that the independent claims are clearly not taught or suggested by the cited Arnold et al. reference nor would it be obvious to modify such.

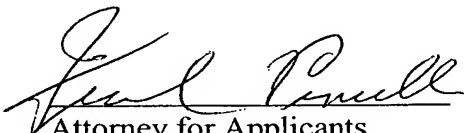
In particular, the Arnold reference discloses a virtual outlet (VO) which comprises a web page which carries a variety of different merchandisers thereon. Any customer can access the VO and then, through hot links, can be forwarded on to the merchandise provider (see column 8, line 29 and column 5, line 55). As stated in column 6, lines 3-4, the customer will return to the web page of the VO after the purchase of a product. This is in complete contrast to the present invention wherein: 1) there is a pre-established relationship between the order terminal at which a customer places orders and ultimately the image provider; 2) that the offering that is provided at the order terminal is based on the pre-established business relationship between the order terminal and the provider. Arnold et al. does not teach either. Quite the contrary, the Arnold reference is simply directed to a customer accessing a web page, and based on that, accessing merchandise providers based on customer selections at the VO web page.

The business relationship established by the present invention may comprise a variety of different relationships. As illustrated by Fig. 3 in the specification, the business relationships between the merchandise order terminal and the various providers can take a variety of forms, for example, domestic,

friendly, neutral or hostile. The different business relationship will control the specific type of features and products being ordered. As set forth on page 6, lines 24-27 of the present application, the offerings displayed on the display screens, according to the present invention, are customized in view of the business relationship between the business entity associated with the order terminal and the merchandise provider. As set forth at page 10, lines 28 through page 11, line 5, there are various ways of controlling the offering. For example, how the particular merchandise should be displayed such as controlling a particular type of merchandise that can be displayed as illustrated on page 11, lines 18-25, or as set forth on page 12, line 19 of the present application, providing different prices for same goods dependent upon the relationship between the order terminal and merchandise provider. Thus, it can be seen that the business relationship controls a variety of displays and types of goods and services that will be displayed at the order terminal. There is no teaching or suggestion of providing the pre-established business relationships and tailoring the offerings provided at the order terminal as taught and claimed by Applicants.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,


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